



RESOLUTION

URGING HAWAII'S CONGRESSIONAL DELEGATION TO ADDRESS CAMPAIGN SPENDING ISSUES BY PROPOSING AMENDMENTS TO CLARIFY THAT CORPORATIONS ARE NOT PEOPLE WITH CONSTITUTIONAL RIGHTS AND THAT UNLIMITED CAMPAIGN SPENDING IS NOT FREE SPEECH.

WHEREAS, the United States Constitution is intended to protect the rights of individual human beings ("natural persons"); and

WHEREAS, corporations are not mentioned in the Constitution and The People of the United States ("The People") have never granted constitutional rights to corporations, nor decreed that corporations have authority that exceeds the authority of The People; and

WHEREAS, corporations can and do make important contributions to our society using advantages that government has wisely granted them, but corporations should not be considered natural persons; and

WHEREAS, United States Supreme Court Justice Hugo Black in a 1938 opinion stated, "I do not believe the word 'person' in the Fourteenth Amendment includes corporations"; and

WHEREAS, the United States Supreme Court recognized in *Austin v. Michigan Chamber of Commerce* (1990) the threat to a republican form of government posed by "the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public's support for the corporations political ideas"; and

WHEREAS, the United States Supreme Court in *Citizens United v. the Federal Election Commission* (2010) reversed the decision in *Austin*, presenting a serious threat to self-government by rolling back legal limits on corporate spending in the electoral process and allowing unlimited corporate spending to influence elections, candidate selection, policy decisions and sway votes; and

WHEREAS, the opinion of the four dissenting justices in *Citizens United* noted that corporations have special advantages not enjoyed by natural persons, such as limited liability, perpetual life, and favorable treatment of the accumulation and distribution of assets, that allow them to spend prodigious sums on campaign messages that have little or no correlation with the beliefs held by natural persons; and



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WHEREAS, corporations are legally required to put profits for shareholders ahead of concerns for the greatest good of society while individual shareholders as natural persons balance their narrow self interest and broader public interest when making political decisions; and

WHEREAS, corporations have used the "rights" bestowed upon them by the courts to overturn democratically enacted laws that were passed at municipal, state and federal levels to curb corporate abuse, thereby impairing local governments' ability to protect their citizens against corporate harms to the environment, to health, to workers, to independent businesses, to local and regional economies; and

WHEREAS, the United States Supreme Court held in *Buckley v. Valeo* (1976) that the appearance of corruption justified limits on contributions to candidates, but it wrongly ruled that spending money to influence elections is a form of constitutionally protected free speech, thus giving rise to the money as speech doctrine; and

WHEREAS, federal courts in *Buckley* and in *SpeechNow.org v. FEC* (2010) overturned limits on independent expenditures because the corruption or perception of corruption rationale was only applicable to direct contributions to candidates; and

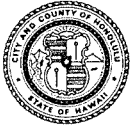
WHEREAS, the United States Supreme Court in *1st National Bank of Boston v. Bellotti* (1978) and *Citizens Against Rent Control v. City of Berkeley* (1986) rejected limits on contributions to ballot measure campaigns because they pose no threat of candidate corruption; and

WHEREAS, United States Supreme Court Justice Stevens observed in *Nixon v. Shrink Missouri Government PAC* (2000) that "money is property, it is not speech"; and

WHEREAS, a February 2010 Washington Post-ABC News poll found that 80 percent of Americans oppose the U.S. Supreme Court *Citizens United* ruling; and

WHEREAS, Councilmembers of the City and County of Honolulu have sworn to uphold the United States Constitution in our Oath of Office; and

WHEREAS, Article V of the United States Constitution empowers and obligates The People of the states of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and the republican form of self-government; now, therefore,



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BE IT RESOLVED by the Council of the City and County of Honolulu that this body believes corporations should not receive the same constitutional rights as natural persons and that because money is not speech, limits on political spending will promote the goals of the First Amendment by ensuring that all citizens, regardless of wealth, have an opportunity to have their political views heard; and

BE IT FURTHER RESOLVED that the Council supports amending the United States Constitution to address campaign finance reform by ending the false doctrine of corporate constitutional rights, abolishing corporate personhood, and clarifying that money is property, not speech; and

BE IT FURTHER RESOLVED that the Council supports efforts by citizens' groups to amend the United States Constitution to state unequivocally that inalienable rights belong to natural persons only, and to abolish corporate personhood, and that there should be a level playing field in politics with limits on campaign contributions and spending; and



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BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to United States Senator Daniel K. Inouye, United States Senator Daniel K. Akaka, United States Representative Mazie Hirono, and United States Representative Colleen Hanabusa.

INTRODUCED BY:

Tulsi Gabbard

Stanley Chang

Ernest Martin

Ikaika Anderson

Ann Kobayashi

Nestor Garcia

Breene Harimoto

Romy M. Cachola

DATE OF INTRODUCTION:

August 16, 2012
Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

RESOLUTION 12-207, CD1

Introduced: 08/16/12 By: TULSI GABBARD

Committee: SAFETY, ECONOMIC
DEVELOPMENT AND
GOVERNMENT
AFFAIRS

Title: RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO ADDRESS CAMPAIGN SPENDING
ISSUES BY PROPOSING AMENDMENTS TO CLARIFY THAT CORPORATIONS ARE NOT PEOPLE WITH
CONSTITUTIONAL RIGHTS AND THAT UNLIMITED CAMPAIGN SPENDING IS NOT FREE SPEECH.

Links: RES12-207
RES12-207, CD1
CR-280

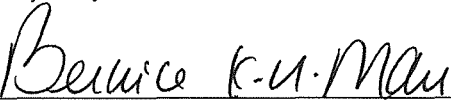
Voting Legend: Y= Aye, Y* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

NOTE: EFFECTIVE AUGUST 16, 2012, COUNCILMEMBER TULSI GABBARD,
REPRESENTING COUNCIL DISTRICT VI, RESIGNED FROM OFFICE. (Refer to
Communication CC-231)

SAFETY, ECONOMIC DEVELOPMENT AND GOVERNMENT AFFAIRS	08/28/12	CR-280 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION AS AMENDED IN <u>CD1</u> FORM.
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COUNCIL	09/12/12	CR-280 AND RESOLUTION 12-207, CD1 WERE ADOPTED.							
ANDERSON	Y	BERG	Y	CACHOLA	Y	CHANG	Y	GARCIA	Y
HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y				

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


BERNICE K. N. MAU, CITY CLERK


ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER